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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,633	02/08/2000	Young-Soon Cho	0630-0981P	1525

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EXAMINER
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REAGAN, JAMES A

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/499,633

Applicant(s)

CHO ET AL.

Examiner

James A. Reagan

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 45-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 45-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in response to the amendment received on 18 July 2005.
2. Claims 41-44 have been canceled.
3. Claims 47-51 have been added.
4. Claims 1-3, 45, and 46 have been amended.
5. Claims 1-3 and 45-51 have been examined.

## **RESPONSE TO ARGUMENTS**

6. Applicant's arguments received on 18 July 2005 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

With regard to claims 45 and 46, the common knowledge declared to be well-known in the art is hereby taken to be admitted prior art because the Applicant either failed to traverse the Examiner's assertion of Official Notice or failed to traverse the Examiner's assertion of Official Notice adequately. To adequately traverse the examiner's assertion of Official Notice, the Applicant must specifically point out the supposed errors in the Examiner's action, which would

include stating why the noticed fact is not considered to be common knowledge or well-known in the art. A general allegation that the claims define a patentable invention without any reference to the Examiner's assertion of Official Notice would be inadequate. Support for the Applicant's assertion of should be included.

### **Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneck et al, (US 5,933,498), in view of ISHIGURO (EP 874300 A2) and further in view of the applicant's own admissions..

**Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures apply as well. It is requested from the Applicant, in preparing the response, to consider fully the entire references as well as the context of all reference passages as potentially teaching all or part of the claimed inventions.

**Claims 1 and 47:**

Schneck, in at least Fig 8; Col 15, lines 19-38; Figs 9-12; Col 14, lines 32-50 discloses the following limitations:

- *a data storage medium for storing the digital data file transferred from a source device, the digital data file having been encrypted by:*
  - 1) *generating a key data using at least a unique ID of the digital data playing device or a unique ID number of the storage medium or both;*
  - 3) *encrypting within the source device the digital data file using said key data ;*

Schneck does not disclose:

- *2) transmitting said key data from the digital data playing device to a unit of the source device through a network; and*
- *a decoding unit configured to decrypt the digital data file read from the data storage medium using said key data;*

However, Ishiguro discloses a playing device (DVD player) that generates and transmits a key to a source device (computer) that decodes the encrypted content using the key. See at least the abstract as well as other relevant text. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schneck's system for controlling access and distribution of digital property by including Ishiguro's step of generating the key within the player and subsequently decoding the content because, "...it is necessary to verify that the destination apparatus is a valid apparatus in a transfer of information..." (Ishiguro: page 2, lines 21+).

#### **Claims 2 and 48:**

Schneck, as shown above, teaches that effective protection of the data may be accomplished by encrypting the data and rules governing its access using one or more encryption keys, each generated by using unique IDs associated with the product distributed, its storage medium, player device, end user, product publisher, and/or any combination of these numbers. In addition, Schneck, in at least Figure 7 and associated text discloses basing an encryption key on a serial number, essentially disclosing basing the encryption key on manufacturer data or combinations thereof.

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**Claims 3 and 49:**

As the references cited above show, Schneck discloses that encryption keys used in his system may be derived using many different, well known encryption algorithms. Using additional arbitrary values in such encryption algorithms (i.e. semi-random or random numbers) is well known within the art. Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made that a system could have been set up with the encryption key further including an arbitrarily set value, for the purpose of making the transmitted encrypted data harder to crack thus better protected.

9. Claims 45, 46, 50, and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneck/Ishiguro and further in view of Menezes et al. "Handbook of Applied Cryptography" © 1997.

**Claims 45, 46, 50, and 51:**

The combination of Schneck/Ishiguro disclose the encryption and file transfer method as shown above. Schneck/Ishiguro do not disclose:

- *the digital data playing device is a device of an end user;*
- *the said digital data playing device generates said key data;*

However, Examiner takes **Official Notice** that it is old and well known in the computer networking arts that MP3 devices are used by recreationally by end users, and that generation of encryption keys is accomplished by any computing device programmed for such endeavors.

**Conclusion**

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
11. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

or faxed to:

**571-273-8300** [Official communications, After Final communications labeled "Box AF"]

**571-273-8300** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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JAR

21 September 2005

A handwritten signature in black ink, appearing to read "J. A. Reagan", with a long horizontal flourish extending to the right.